

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD EUBANK,

Defendant.

NO. 12-cr-30052-DRH

**PRELIMINARY ORDER FOR FORFEITURE PURSUANT TO
FED.R.CRIM.P. 32.2 WITH RESPECT TO
CERTAIN FIREARM AND AMMUNITION OF DONALD EUBANK**

HERNDON, Chief Judge:

In the Indictment filed in the above cause on February 23, 2012, the United States sought forfeiture of a certain firearm and ammunition of Donald Eubank pursuant to 18 U.S.C. § 2253. The court, upon consideration of guilty plea in this matter, hereby finds that the following property is forfeitable and hereby orders forfeited the following property:

One Springfield Armory, model XD-40, .40 S&W caliber semiautomatic pistol, bearing an obliterated serial number;

Nine 9mm Luger caliber cartridges; and

Any other ammunition contained within the firearm.

The United States shall provide notice of the forfeiture and the right of persons other than the defendant who have any claim or legal interest in any of the property to file a petition with the Court. The notice shall be provided in a manner consistent

with Supplemental Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The notice shall state that the petition shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

The United States shall, also to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order for Forfeiture, as a substitute for the published notice to those persons so notified.

Upon the filing a petition alleging the third-party interests in the property, the court may amend this order to resolve the claimed third-party interests.

The United States Marshal or the custodian for the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall seize and reduce to his possession, if he has not already done so, the above-described property.

This Order, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, shall become final with respect to Defendant Donald Eubank at the time of the Defendant's sentencing, regardless of whether or not the rights of actual or potential third-party petitioners have been determined by that time. This Order shall be made part of the sentence of Defendant Donald Eubank and shall be included in the Judgment imposed against the Defendant. This Order is a final order with respect

to the Defendant, and this Order may be amended with respect to petitions filed by third-parties claiming an interest in the subject-matter forfeited property.

IT IS SO ORDERED.

Signed this 22nd day of August, 2012.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2012.08.22
13:57:45 -05'00'

Chief Judge

United States District Court